



In re application of: **Shogo ISHIOKA et al.** Group Art Unit: **2858**
Serial Number: **10/069,522** Examiner: **Donald M. Lair**
Filed: **May 29, 2002** Confirmation No.: **9372**
For: **INSPECTION APPARATUS AND INSPECTION METHOD**
Customer No.: **38834**

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 13, 2004

Sir:

Applicants respond herein to the April 21, 2004 Office Action. The period for response thereto is extended by the accompanying Petition for Extension of Time.

Claims 1, 2, and 4-8 are pending in the above-identified application. In the present submission, no claims are amended, canceled, or added.

Applicants request reconsideration of the rejections and objections as follows:

Claims 1, 2, 4, 5, 7, and 8 stand rejected under 35 U.S.C. § 102(e) as anticipated by Ishioka et al. (U.S. Patent No. 6,703,849). Applicants respectfully traverse this rejection.

The Ishioka et al. patent names the same inventors as those named by the present application. However, a rejection under 35 U.S.C. § 102(e) must be based on a patent or application that names different inventors. Therefore, the present rejection cannot be proper.

(Applicants have also reviewed the other provisions of 35 U.S.C. § 102, such as those in paragraphs (a) and (b), and no other provision can support a rejection either.)

Accordingly, applicants now solicit the withdrawal of the rejection under 35 U.S.C. § 102(e).

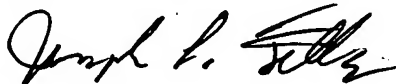
Applicants appreciate the indication in the Office Action that claim 6 would be allowable if rewritten in independent form. However, claim 6 depends from claim 1, and, as discussed above, parent claim 1 should be allowed. Therefore, it is not necessary to rewrite claim 6 in independent form to gain its allowance.

In view of the remarks above, applicants now submit that the application is in condition for allowance. Accordingly, a Notice of Allowability is hereby requested. If for any reason it is believed that this application is not now in condition for allowance, the Examiner is welcome to contact applicants' undersigned attorney at the telephone number indicated below to arrange for disposition of this case.

In the event that this paper is not timely filed, applicants petition for an appropriate extension of time. The fees for such an extension, or any other fees which may be due, may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Enclosure: Petition for Extension of Time

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